

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF CLIFFORD NORRIS AND NELDA)
SVARVERUD FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM NORTH UMPQUA RIVER)

ORDER APPROVING
TRANSFER NO. N-41

On May 19, 1969, Clifford Norris and Nelde Svarverud filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Estate of Walter Norris and recorded at page 29348, Volume 21, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.18 cubic foot per second of the waters from North Umpqua River for the irrigation of 6.5 acres in Lot 2 (NW¼ NE¼), 0.3 acre in Lot 2 (SW¼ NE¼) and 7.4 acres in Lot 3 (NE¼ NW¼), Section 32, Township 26 South, Range 6 West, W.M., with a date of priority of September 18, 1956. These lands are irrigated from a point of diversion located South 61° 33' West 2948 feet from the NE corner of Section 32 being within Lot 3 (SE¼ NW¼), Section 32, Township 26 South, Range 6 West, W.M.

Certificate of water right issued to J. D. Meyers and recorded at page 24236, Volume 17, State Record of Water Right Certificates, describes the irrigation of 11.2 acres in Lot 3 (NE¼ NW¼), Section 32, Township 26 South, Range 6 West, W.M., more explicitly described as Lot 2, Block 8, Plat 8, Roseburg Home Orchard Tracts. The map made in connection with the proof submitted shows all of Lot 2 south to the riverbank as irrigated. The certificate erroneously locates all of Lot 2, Roseburg Home Orchard Tracts, in Lot 3 (NE¼ NW¼) when in fact a part is in Lot 3 (SE¼ NW¼).

Seven tenths of an acre of Lot 2, Roseburg Home Orchard Tracts within Lot 3 (SE¼ NW¼) was, as a result of the earlier error, included in the certificate recorded at page 29348, Volume 21, and should be canceled.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located South 58° West 2910 feet from the NE corner of Section 32 being within the SW¼ NE¼ of Section 32, Township 26 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from North Umpqua River, to-wit:

From a point located South 61° 33' West 2948 feet from the NE corner of Section 32 being within Lot 3 (SE¼ NW¼), Section 32, Township 26 South, Range 6 West, W.M.

To a point to be located South 58° West 2910 feet from the NE corner of Section 32 being within the SW¼ NE¼ of Section 32, Township 26 South, Range 6 West, W.M.

for the irrigation of 6.5 acres in Lot 2 (NW¼ NE¼), 0.3 acre in

Lot 2 (SW¼ NE¼) and 7.4 acres in Lot 3 (NE¼ NW¼), Section 32, Township 26 South, Range 6 West, W.M., with a date of priority of September 18, 1956, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1970.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.17 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Estate of Walter Norris and recorded at page 29348, Volume 21, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Clifford Norris and Nelda Svarverud confirming the change in point of diversion but not including 0.7 acre in Lot 3 (SE¼ NW¼), Section 32, Township 26 South, Range 6 West, W.M.

It is FURTHER ORDERED that the certificate recorded at page 24236, Volume 17, State Record of Water Right Certificates, is

canceled and in lieu thereof a new certificate be issued correctly locating a part of the irrigated lands in Lot 2, Block 8, Plat 8, Roseburg Home Orchard Tracts as being within Lot 3 (SE¼ NW¼), Section 32, Township 26 South, Range 6 West, W.M.

Dated at Salem, Oregon, this 20th day of March, 1970.



CHRIS L. WHEELER
State Engineer